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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 22 December 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I am writing to you in connection with the statement made by the representative of the Republic of Croatia in the Third Committee of the United Nations General Assembly on 29 November 1994 on agenda item 100 (b) and (c), and upon instructions of my Government, I wish to state the following:

In order to satisfy its internal political needs and cover up its responsibility, Croatia and its representatives do not stop short of misrepresenting the facts about the events in the territory of the former Socialist Federal Republic of Yugoslavia.

Despite an unprecedented information blockade, one-sided and uncalled-for demonization of the entire Serb people and its accusation of massive and systematic violations of human rights and humanitarian law, it has finally become evident that the root cause of the crisis and war in the territory of the former Socialist Federal Republic of Yugoslavia was the forcible, armed and illegal secession of the former Yugoslav republics of Slovenia and Croatia from the Socialist Federal Republic of Yugoslavia. The secession was carried out in violation of the basic principles and norms of international law, the Charter of the United Nations and relevant documents of the Conference on Security and Cooperation in Europe (CSCE). The attempts to present, by most perfidious propaganda, this fact as "the political programme of the Belgrade authorities whose aim is territorial expansion and forcible change of borders through the use of the genocidal policy of ethnic cleansing", or as Croatia's falling a prey "to Serbian aggression", are futile and self-defeating.

It is utterly malicious to state "that the Government of the Federal Republic of Yugoslavia and individuals in Serbia planned, orchestrated and executed the policy of aggression and genocide and that, by refusing cooperation with the International ad hoc Tribunal, the criminals will not be brought to justice". The representative of Croatia has obviously forgotten that the Croatian press itself wrote about the shameful trials before the Croatian courts in which war criminals had been acquitted of all responsibility, while some of them who are responsible for massive crimes against Serbs in Croatia, rather than being brought to justice, have been appointed to high posts in the administration and the military.

The Government of the Federal Republic of Yugoslavia has always maintained that each and every perpetrator of a war crime or a crime against humanity must be tried and punished. In compliance with the provisions of the Charter of the United Nations, its international commitments and national legislation, it has therefore cooperated and continues to cooperate with all those who can promote this goal, including the International ad hoc Tribunal.

The accusations about the responsibility of others for ethnic cleansing in Croatia made by the representative of Croatia are an exercise in sanctimony: the first and by far the most numerous victims of ethnic cleansing were the Serbs in Croatia who have been deprived of a common State and reduced to a national minority. The Serb people alone, a constituent people in Croatia, have been denied the right to self-determination. It is a natural and internationally recognized right of all, including the Serb people, to refuse to accept such treatment. The Serb people in Krajina demonstrated this loud and clear by its referendum at which it declared itself, almost to a man, against being "press-ganged" out of the common State of Yugoslavia.

It should be recalled that the former Socialist Republic of Croatia, as a federal unit of the former Socialist Federal Republic of Yugoslavia, encompassed the territories inhabited by Croats, but also the territories inhabited by Serbs since the eighth and fifteenth centuries. Never in the entire history of this region have the ethnic territories of the Serb people been part of an independent Croatian State.

It should also be recalled that Serbs have been crossed out of the Constitution of Croatia and that the constituencies in which Serbs constituted the majority population were redrawn by the Croatian election law so as to split and transform them into constituencies with Serb minorities and thus prevent the election of Serb representatives to the Croatian Parliament. The coming into power of the present regime in Croatia, which has not stopped short of claiming its continuity with the Independent State of Croatia, a puppet State propped up by Nazi Germany during the Second World War, revived the old animosities and brought back open threats and intimidation to the Serb people.

Since 1 June 1991, the Croatian authorities have expelled about 350,000 Serbs from the territories under their control. Various methods have been employed to carry out the ethnic cleansing: Serbs are dismissed from their jobs; their homes and other property are blown up in an organized way; they are evicted from their apartments, detained in camps and prisons and even physically liquidated; they are prevented from attending religious services. In contrast

to the "impartial and objective" report of the Special Rapporteur of the Commission on Human Rights, Mr. Tadeusz Mazowiecki, reference is herein made to the report of the Secretary-General of the United Nations of 15 May 1993 (S/25777) in which it is said that over 250,000 Serbs have been expelled from Croatia. The data include only the registered cases of the expelled Serbs who found shelter in Krajina and the Federal Republic of Yugoslavia (over 250,000 Serbs from Croatia fled to the Federal Republic of Yugoslavia alone).

The preponderant part of the Serb population has been expelled from many Croatian towns and cities by the use of the perfidious method of pressure: 30,000 from Karlovać; 28,000 from Zadar; 20,000 from Sisak; 5,000 from Gospić; 15,000 from Sibenik; 10,000 from Vinkovci; 10,000 from Slavonski Brod; 10,000 from Daruvar and 10,000 from Podravska Slatina, whereas it is estimated that about 100,000 Serbs fled Zagreb. The Government of the Federal Republic of Yugoslavia provided the United Nations documented evidence on the ethnic cleansing in Croatia on a number of occasions, including its four reports on war crimes submitted in compliance with Security Council resolution 780 (1992).

The data on the destruction of Orthodox places of worship are also frightening: in the five eparchies of the Serbian Orthodox Church in Croatia 279 places of worship have been destroyed or damaged: 70 churches have been destroyed, 101 heavily damaged; 56 residences have been destroyed, 24 heavily damaged; 10 chapels have been destroyed, 4 heavily damaged; 4 Orthodox cemeteries have been destroyed, 8 heavily damaged and 2 monasteries have been completely destroyed. The Library of the Serbian Orthodox Church in Pakrac, founded in 1690, has been destroyed and the Museum of the Serbian Orthodox Church in Zagreb, with exhibits dating back to the thirteenth and sixteenth centuries, has been dynamited. Orthodox priests have been arrested and ill-treated and many of them have had to leave Croatia.

The conversion of Serb children to Catholicism serves the goals of the ethnic cleansing and about 10,000 children have been converted since the outbreak of war. The Croatian education authorities arbitrarily enter Serb children as Croats into school registers or force them to attend Catholic religious instruction classes, falsely alleging that not attending creates an ethnic-minority inferiority complex with these children.

The economic losses spoken about in the statement of the representative of Croatia are enormous indeed. What the representative of Croatia seems to have forgotten, however, is the fact that most of the damage has been done in the Serb-populated areas, that Serb households were set ablaze and that those who did it were members of the Croatian armed forces.

The Federal Republic of Yugoslavia has never tried to disparage anybody's efforts, including those of Croatia, to provide shelter to refugees and displaced persons from the former Socialist Federal Republic of Yugoslavia. Yet it must not be forgotten that ethnic cleansing as a means of policy was first devised and implemented by the highest Croatian authorities. Croatia set off the refugee avalanche from both Croatia and Bosnia and Herzegovina and most of those helpless men and women found refuge in the Federal Republic of Yugoslavia where they are treated equally irrespective of nationality. For those who care to note, it is recalled that the Federal Republic of Yugoslavia receives but a

fraction of the international assistance accorded to Croatia and that it has been the victim of unfair and unjust sanctions.

The telling evidence of the human rights situation in Croatia, and in that context of the position of Serbs in Croatia, is the fact that Croatia is much criticized on that score in the European Parliament and by international non-governmental organizations, such as Amnesty International and Helsinki Watch.

As to the rights recognized to national minorities in the Federal Republic of Yugoslavia, which the representative of Croatia has taken it upon himself to speak about, his country would be much better off to emulate rather than to castigate them.

A number of Croats did leave the Federal Republic of Yugoslavia. They did so for a number of reasons, not least because of the imposition of sanctions against the Federal Republic of Yugoslavia and the resultant economic hardships of the entire population. The sporadic cases of pressure on Croats in the Federal Republic of Yugoslavia are the result of ethnic division brought about by forcible secession and the resultant war in the vicinity. The perpetrators of such acts have been brought to justice.

The Croatian representative arrogated the right to represent the Muslim-Croatian federation and spoke about the ethnic cleansing in the former Bosnia and Herzegovina. His statement would have been much more convincing if he had informed the Committee that over 700,000 Serbs had to leave their homes in those parts of the territory of the former Bosnia and Herzegovina under the control of Croatian and Muslim forces. Over 420,000 of them found shelter in the territory of the Republic of Srpska and over 280,000 in the Federal Republic of Yugoslavia. He would have done justice to truth if he had said that Bosnian Croats cleansed western Herzegovina of Serbs, destroyed their churches, monasteries and all traces of the centuries-long existence and culture of Serbs in that region. And he would not have had to strain much to provide evidence: a page from the report of Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, at the recent meeting of the Working Group on Humanitarian Issues of the International Conference on the Former Yugoslavia in Geneva, who spoke of the tragic exodus of Serbs from central Bosnia and Herzegovina fleeing the Muslim-Croatian offensive, would have served the purpose.

The representative of Croatia speaks of the 13-centuries-long existence of Croats in Bosnia and Herzegovina which dates back to the Slav settlement of the Balkans. This is so very accurate, except that he has somehow forgotten to say that Serbs, too, are the indigenous people of Bosnia and Herzegovina and that, unlike Croats, they had their State throughout most of its medieval history. In that context, it should be noted that the emblem of the Muslim Government of Bosnia and Herzegovina is in fact the State emblem of the Serb Medieval Kotromanic dynasty.

There is no doubt that humanitarian law has been violated and that cultural monuments have been destroyed by all three parties in the tragic civil, ethnic and religious war in the former Bosnia and Herzegovina. To accuse then only one, the Serb, side for the atrocities belongs to the realm of special pleading

which is bound to bring short-term political benefits, but the moral standing of which is highly dubious and which will eventually rebound on those engaging in it with shameful consequences.

An exhaustive account of the destruction of Serb cultural institutions and churches in the former Bosnia and Herzegovina was given in the letter of the Yugoslav Federal Minister of Foreign Affairs to the Secretary-General of 14 December 1993 (A/48/808-S/16914). This practice is being continued.

Finally, it should be recalled that the United Nations declared Bihać a safe area. Contrary to the will of the majority of the local population, the 5th Corps of the so-called Muslim army of Bosnia and Herzegovina is stationed in the Bihać pocket. It carried out the ethnic cleansing of this region of all Muslims who rejected war and accepted peace and of all Serbs. In addition, it attacked and destroyed Serb towns and villages in the vicinity of the safe area and expelled over 10,000 Serbs from their homes. The Croatian authorities and press spoke and wrote gleefully about the initial success of the Corps and extolled the contribution of Croats who, together with it, participated in the ethnic cleansing of Serbs. In this connection, it should be recalled that in his latest report to the Security Council (S/1994/1389), the Secretary-General said unequivocally that the Muslims had misused the safe area of Bihać for launching an offensive against the Serbs last October.

The Yugoslav Government has, from the very beginning, supported the request that safe areas not be used as a springboard for combat operations. Also, it has always called for a speedy termination of this tragic war and a peaceful settlement of the crisis in the territory of the former Socialist Federal Republic of Yugoslavia.

I should be grateful if you would have the present letter circulated as an official document of the General Assembly, under agenda item 100 (b) and (c).

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.